

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES AND ENERGY

Call to Order: By **CHAIRMAN GREG LIND**, on February 21, 2007 at 3:30 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Greg Lind, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Kelly Gebhardt (R)
Sen. Dan Harrington (D)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused: None.

Members Absent: None.

Staff Present: Claudia Johnson, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 473, 2/14/2007; SB 461,
2/13/2007; SB 513, 2/16/2007
Executive Action: SB 461, SB 431, SB 448, SB 432, SB
337, SB 293, SB 423

00:00:00 Chairman Lind

HEARING ON SB 473

Opening Statement by Sponsor:

00:00:40 **SEN. JERRY BLACK (R), SD 14**, opened the hearing on **SB 473**, Revise ethanol laws.

Proponents:

00:14:37 Jim Lynch, Director, Department of Transportation (DOT)

00:15:02 Bob Gilbert, Montana Aviation Trades Association

00:15:55 Ronna Alexandra, Montana Petroleum Marketers & Convenience Store Association

00:18:00 Pat Torgerson, Women Involved in Farm Economics (WIFE)

Opponents:

00:19:00 Dave Galt, Montana Petroleum Association

00:22:13 Sen. Kelly Gebhardt

Informational Testimony:

00:23:41 Jack Kane, Business and Standards Division,
Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

00:24:14 Sen. Lind to Sen. Black

00:27:18 Sen. Lind to Sen. Black

00:27:50 Sen. Gebhardt

00:30:47 Sen. Lind to Sen. Black

00:31:46 Sen. Gebhardt to Jack Kane, DLI

00:33:33 Sen. Gebhardt to Jack Kane, DLI

Closing by Sponsor:

00:34:42 Sen. Black

HEARING ON SB 461

Opening Statement by Sponsor:

00:41:00 **SEN. KEITH BALES (R), SD 20**, opened the hearing on **SB 461**, Generally revise laws pertaining to mining of coal.

Proponents:

00:44:04 Bud Clinch, Executive Director, Montana Coal Council

Opponents: None.

Informational Testimony:

00:48:04 Steve Welsh, American Environmental Quality

Questions from Committee Members and Responses: None.

Closing by Sponsor:

00:48:34 Sen. Bales

00:48:57 Break

EXECUTIVE ACTION ON SB 461

00:59:12 **Motion/Vote:** **SEN. GEBHARDT** moved that **SB 461 DO PASS**. Motion carried unanimously by voice vote. Sen. Kaufmann voted aye by proxy.

Discussion:

00:59:54 Joe Kolman, LSD

EXHIBIT (nas39a01)

01:02:15 Sen. Lind

EXECUTIVE ACTION ON SB 431

01:02:27 **Motion:** **SEN. LIND** moved that **SB 431 DO PASS**.

Discussion:

01:01:44 Sen. Lind

01:03:29 Sen. Tash

01:04:36 **Vote: Motion that SB 431 DO PASS carried unanimously by voice vote. SEN. KAUFMANN voted aye by proxy.**

EXECUTIVE ACTION ON SB 448

01:05:58 **Motion: SEN. WANZENRIED moved that SB 448 DO PASS.**

Discussion:

01:06:53 **Motion: SEN. WANZENRIED moved that AMENDMENT SB044802.ASL BE ADOPTED.**

EXHIBIT(nas39a02)

Discussion:

01:07:33 Sonja Lee, LSD

01:09:08 Sen. Tash

01:09:48 Sen. Wanzenried

01:11:02 Sen. Lind to Sonja Lee, LSD

01:12:02 Sen. Tropila to Louise Moore, Department of Environmental Quality (DEQ)

01:13:05 Sen. Tash to Louise Moore, DEQ

01:15:01 **Vote: Motion that AMENDMENT SB044802.ASL BE ADOPTED carried 5-4 by roll call vote with SEN. CURTISS, SEN. PERRY, SEN. TASH, and SEN. TROPILA voting no.**

01:16:04 **Motion: SEN. WANZENRIED moved that SB 448 DO PASS AS AMENDED.**

Discussion:

01:16:13 Sen. Gebhardt to Sen. Wanzenried

01:17:42 **Sen. Wanzenried withdrew his motion on SB 448 and amendment.**

HEARING ON SB 513

Opening Statement by Sponsor:

01:18:38 **SEN. LYNDIA MOSS (D), SD 26**, opened the hearing on **SB 513**, Facilitate community connection to internet.

Proponents: None.

Opponents:

01:26:01 Geoff Feiss, General Manager, Montana Telecommunication Association

01:30:36 Michael Strand, CEO of Montana Independent Telecommunication Systems, LLC

01:33:57 Forest Christian, Wireless Internet ISP

01:38:32 Cory Swanson, Bresnan Communications

Informational Testimony: None.

Questions from Committee Members and Responses:

01:40:13 Sen. Harrington to Sen. Moss

01:42:23 Sen. Harrington to Sen. Moss

01:43:59 Sen. Tropila

01:44:30 Sen. Gebhardt to Sen. Moss

01:45:07 Sen. Tash to Sen. Moss

01:48:07 Sen. Tash to Forest Christian, Wireless Internet ISP

Closing by Sponsor:

01:50:34 Sen. Moss

EXECUTIVE ACTION ON SB 432

01:52:08 **Motion:** **SEN. TROPILA moved that SB 432 DO PASS.**

Discussion:

01:54:22 Joe Kolman, LSD

01:55:07 Sen. Gebhardt to Joe Kolman, LSD

01:56:00 Sen. Wanzenried to Joe Kolman, LSD

01:56:21 **Motion/Vote:** SEN. TROPILA moved that AMENDMENT SB043202.AJK BE ADOPTED. Motion carried unanimously by voice vote. SEN. LIND voted by proxy.

01:56:42 **Motion/Vote:** SEN. TROPILA moved that SB 432 DO PASS AS AMENDED. Motion carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no. SEN. LIND voted by proxy.

EXECUTIVE ACTION ON SB 448

02:00:14 **Motion/vote:** SEN. WANZENRIED moved to RECONSIDER THE MOTION on SB 448. Motion carried unanimously by voice vote. SEN. LIND voted by proxy.

02:00:40 **Motion:** SEN. WANZENRIED moved that SB 448 DO PASS AS AMENDED. SEN. LIND voted by proxy.

02:00:55 **Vote:** MOTION on SB 448 carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no. SEN. LIND voted by proxy.

EXECUTIVE ACTION ON SB 337

02:02:45 **Motion:** SEN. WANZENRIED moved that SB 337 DO PASS.

Discussion:

02:02:57 **Motion:** SEN. WANZENRIED moved that AMENDMENT SB033701.ASL BE ADOPTED.

[EXHIBIT\(nas39a03\)](#)

[EXHIBIT\(nas39a04\)](#)

[EXHIBIT\(nas39a05\)](#)

Discussion:

02:04:38 Sen. Wanzenried to Sonja Lee, LSD

02:09:57 Sen. Gebhardt to Russ Doty, Executive Director for
Green Electricity Buying Cooperatives

02:21:15 Sen. Tash to Ron Devlin, Northwestern Energy (NWE)

02:22:18 Break

02:25:43 Sen. Tropila

02:26:16 Sen. Tash to Sen. Wanzenried

02:27:09 Sen. Wanzenried to Sen. Tash

02:27:39 Sen. Tropila to Sen. Tash

02:27:50 Sen. Tropila to Sonja Lee, LSD

02:29:47 Sen. Lind to Sen. Wanzenried

02:30:06 **Motion/Vote:** SEN. WANZENRIED moved that AMENDMENT
SB033701.ASL BE ADOPTED. Motion carried 6-3 by roll
call vote with SEN. CURTISS, SEN. GEBHARDT, and SEN.
TASH voting no. SEN. KAUFMANN voted by proxy.

02:31:07 **Motion/Vote:** SEN. WANZENRIED moved that SB 337 DO PASS
AS AMENDED. Motion carried 5-4 by roll call vote with
SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH
voting no. SEN. KAUFMANN voted by proxy.

EXECUTIVE ACTION ON SB 293

02:35:28 **Motion:** SEN. GEBHARDT moved that SB 293 DO PASS.

Discussion:

02:36:27 Joe Kolman, LSD

EXHIBIT(nas39a06)

02:36:49 **Motion:** SEN. WANZENRIED moved that AMENDMENT
SB029305.AJK BE ADOPTED.

Discussion:

02:37:41 Joe Kolman, LSD

02:42:11 Sen. Tash

02:42:34 Sen. Kaufmann

02:42:59 Sen. Curtiss to Joe Kolman, LSD

02:43:59 Sen. Kaufmann to Sen. Laible

02:46:10 Sen. Lind to Sen. Laible

02:46:43 **Motion/Vote:** SEN. GEBHARDT CALLED THE QUESTION ON AMENDMENT SB029305.AJK. Motion carried unanimously by voice vote.

02:47:03 **Motion/Vote:** SEN. GEBHARDT moved that SB 293 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

Discussion:

02:47:25 Sen. Lind

EXECUTIVE ACTION ON SB 423

02:47:45 **Motion:** SEN. KAUFMANN moved that SB 423 DO PASS.

Discussion:

02:48:55 **Motion:** SEN. KAUFMANN moved that AMENDMENT SB042301.ATE BE ADOPTED.

EXHIBIT(nas39a07)

Discussion:

02:54:46 Sen. Kaufmann

02:56:47 Sen. Lind

02:56:57 Sen. Tash to Louise Moore, DEQ

02:57:49 **Vote:** Motion that AMENDMENT SB042301.ATE BE ADOPTED carried unanimously by voice vote. SEN. WANZENRIED voted by proxy.

02:58:11 **Motion/Vote:** SEN. KAUFMANN moved that SB 423 DO PASS AS AMENDED.

02:59:28 **Motion:** SEN. KAUFMANN moved that AMENDMENT SB042301.AJK BE ADOPTED.

Discussion:

03:00:45 Sen. Kaufmann

03:01:18 Sen. Tash to Louise Moore, DEQ

03:01:54 Sen. Lind to Sen. Kaufmann

03:05:33 Sen. Gebhardt to Sen. Kaufmann

03:05:59 Sen. Lind to Louise Moore, DEQ

03:07:16 Sen. Curtiss to Louise Moore, DEQ

03:08:51 Sen. Perry to Louise Moore, DEQ

03:10:26 Sen. Kaufmann

03:11:31 **Vote: Motion that AMENDMENT SB042301.AJK BE ADOPTED
carried unanimously by voice vote. SEN. WANZENRIED
voted by proxy.**

EXHIBIT (nas39a08)

03:11:57 **Motion: SEN. KAUFMANN moved that SB 423 DO PASS AS
AMENDED.**

Discussion:

03:13:42 Sen. Tash

03:14:00 Sen. Perry to Louis Moore, DEQ

03:14:46 Sen. Lind to Louise Moore, DEQ

03:15:45 Sen. Perry to Louise Moore, DEQ

03:16:12 Sen. Gebhardt to Louise Moore, DEQ

03:19:47 **Vote: Motion carried 5-4 by roll call vote with
SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH
voting no. SEN. WANZENRIED voted by proxy.**

ADJOURNMENT

Adjournment: 6:55 P.M.

SEN. GREG LIND, Chairman

CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

EXHIBIT ([nas39aad.pdf](#))